

REMARKS/ARGUMENTS

Claims 62-79 now stand in the present application, all of these claims having been added and claims 33, 34, 41-44, 48-52 and 55-59 having been canceled. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has objected to the drawings under 37 CFR 1.83(a). As noted above, Applicants have submitted a revised sheet of Figures 1 and 2 showing the second nitride layer 4 in Figure 1 and the second nitride layer 23 in Figure 2 as a single layer. The revisions to Figures 1 and 2 will be made to the formal drawings upon receipt of permission from the Examiner and an indication of allowable subject matter.

In the Office Action, the Examiner has rejected claims 33, 34, 41, 48-50 and 55-57 under 35 U.S.C. § 103(a) as being unpatentable over Itaya et al. '017 in view of Bruno '604 and has rejected claims 33, 34, 41-44, 48-52 and 55-59 under 35 U.S.C. § 103(a) as being unpatentable over Iyechika et al. in view of Itaya. Applicants respectfully traverse the Examiner's rejections of the claims.

As noted above, Applicants have substituted a new set of claims 62-78 for those rejected by the Examiner in the outstanding Office Action. More particularly, independent claims 62 and 70 now more clearly recite that the nitride semiconductor light emitting device includes first, second and third nitride semiconductor layers with the third nitride semiconductor layer being a super lattice layer. With respect to claim 62, the super lattice layer comprises layers of InGaN and GaN, and with respect to claim 70, the third semiconductor layer comprises a super lattice layer of GaN layers.

Dependent claim 78 further specifies that the super lattice layer of GaN layers of claim 70 comprises undoped GaN layers and Si doped GaN layers. The super lattice structure for the third nitride semiconductor layer in independent claims 52 and 70 is not believed to be taught or suggested by the cited references taken either singly or in combination.

Support for newly added independent claims 62 and 70 can be found, respectively, in Examples 10 and 14 set forth in the present specification. Since the cited references taken either singly or in combination do not teach or suggest the recited super lattice structure for the third nitride semiconductor layer in independent claims 62 and 70, these claims and their respective dependent claims are believed to patentably define over the cited references.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 62-78, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

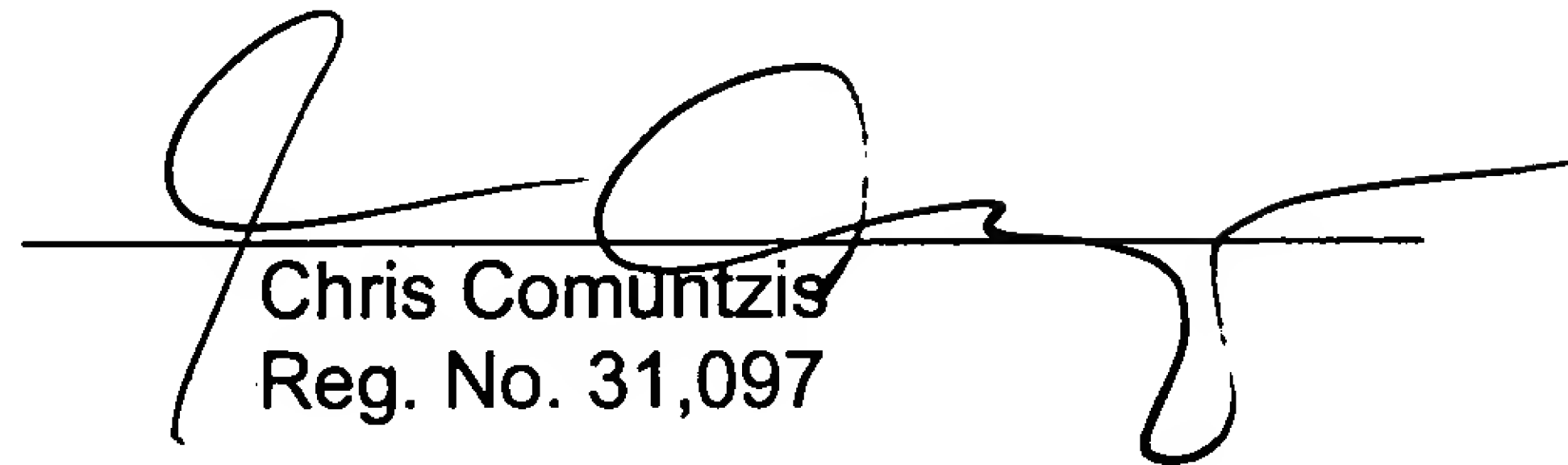
NAKAMURA et al
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Respectfully submitted,

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